



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

William Hazen Hildebolt et al.

Application No.: 10/821,577

Filed: April 8, 2004

For: **METHOD AND SYSTEM FOR  
PROVIDING A VIDEO INFOMERCIAL  
PROGRAMMING CHANNEL**

Group Art Unit: 3622

Examiner: Not Assigned Yet

Confirmation No. 9072

Date Mailed: August 25, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application (Filing Date Granted) mailed June 25, 2004, response to which is due August 25, 2004, enclosed are the following:

1. Declaration;
2. Power of Attorney;
3. A copy of Notice to File Missing Parts of NonProvisional Application;

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on August 25, 2004  
Date of Deposit

Sheena Hicks  
Signature  
Name of Person Mailing Correspondence  
August 25, 2004  
Date

4. Statement Under 37 C.F.R. 3.73 (b);
5. Copy of Assignment;
6. Payment of additional claim fees of \$18.00 as indicated on the Fee Transmittal Form; and
7. Postcard for date-stamped return as confirmation of receipt of these items.


Pursuant to 37 C.F.R. § 1.25(b), the Commissioner is hereby authorized to charge any additional fees to Deposit Account **50-1847** or to credit any overpayment to the same for all matters during the prosecution of this application. This authorization should be treated as a general authorization to charge fees set forth in 37 C.F.R. 1.16 or 1.17 to Deposit Account **50-1847** for the entire pendency of this application. A duplicate copy of this Response is enclosed for deposit charging purposes.

Respectfully submitted,

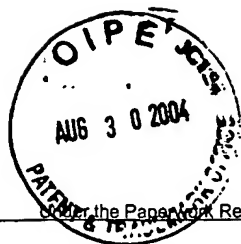
MANATT, PHELPS & PHILLIPS  
Attorneys for Applicants

Date: August 25, 2004

By:

  
Shawn G. Hansen  
Registration Number 42,627

Manatt, Phelps & Phillips, LLP  
1001 Page Mill Road, Building 2  
Palo Alto, CA 94304  
Phone: 650.812.1300  
Fax: 650.213.0260



<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/821,577
	Filing Date	04-08-2004
	First Named Inventor	William Hazen Hildebolt
	Art Unit	3622
	Examiner Name	Not Assigned Yet
Total Number of Pages in This Submission	Attorney Docket Number	26365-030

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Declaration; Notice to File Missing Parts; Statement Under 37 CFR 3.73(b); Copy of Assignment; Certificate of Mailing; and Return Receipt Postcard.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual name	Manatt Phelps & Phillips LLP Shawn G. Hansen, Reg No. 42,627
Signature	
Date	08-25-2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Sheena Hicks
Signature	
Date	08-25-2004

# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

## Complete if Known

Application Number 10/821,577  
 Filing Date 04-08-2004  
 First Named Inventor William Hazen Hildebolt  
 Examiner Name Not Assigned Yet  
 Art Unit 3622  
 Attorney Docket No. 26365-030

TOTAL AMOUNT OF PAYMENT

(\$ 148.00)

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
 Deposit  
 Account  
 Number  
 Deposit  
 Account  
 Name

50-1847

Manatt Phelps &amp; Phillips LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	0.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  - 20\*\* =  1 X  1 =  18.00  
 Independent Claims  - 3\*\* =  X  =   
 Multiple Dependent  =

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				(\$) 18.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	130.00
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

## SUBMITTED BY

Name (Print/Type)

Shawn G. Hansen

Registration No.  
(Attorney/Agent)

42,627

(Complete if applicable)

Telephone (650) 812-1300

Signature

Date

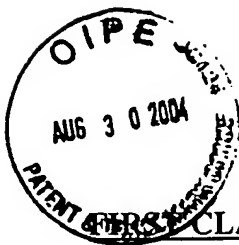
08-25-2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

 American LegalNet, Inc.  
 www.USCourtForms.com



**FIRST CLASS CERTIFICATE OF MAILING**

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on August 25 2004  
Date of Deposit

Sheena Hicks

Name of Person Mailing Correspondence

Sheena Hicks  
Signature

August 25, 2004  
Date

20117692.1

Serial/Patent No. 10/821,577 Filing/Issue Date: April 8, 2004  
Client: Expo Communications, Inc.  
Inventor(s): William Hazen Hildebolt et al.  
Title: METHOD AND SYSTEM FOR PROVIDING A VIDEO INFORMATIONAL  
PROGRAMMING CHANNEL  
MPP File No.: 26365-030 Atty/Secy Initials: SGH/sh  
Date Mailed: August 25, 2004 Docket Due Date: August 25, 2004

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Response to Notice of Missing Parts (2 pgs.)
- ☒ Notice to File Missing Parts (2 pgs.)
- ☒ Declaration (2 pgs.)
- ☒ Power of Attorney (1 pg.)
- ☒ Statement Under 37 C.F.R. 3.73 (b) and Copy of Assignment (3 pg.)
- ☒ Transmittal Letter, in duplicate (1 pg.)
- ☒ Fee Transmittal, in duplicate (1 pg.)
- ☒ Certificate of Mailing (1<sup>st</sup> Class Mail) (1 pg.)
- ☒ Authorization to Charge Deposit Account 50-1847
- ☒ Return Receipt Postcard

Other: \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,577	04/08/2004	William Hazen Hildebolt	26365-030

CONFIRMATION NO. 9072

## FORMALITIES LETTER



\*OC000000013066629\*

36614  
 MANATT PHELPS AND PHILLIPS  
 ROBERT D. BECKER  
 1001 PAGE MILL ROAD, BUILDING 2  
 PALO ALTO, CA 94304

Date Mailed: 06/25/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/01/2004 EFLDRES 00000002 501847 10821577

FILED UNDER 37 CFR 1.53(b)

01 FC:1202 10.00 DA  
 02 FC:1051 130.00 DA

**Filing Date Granted****Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$18** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

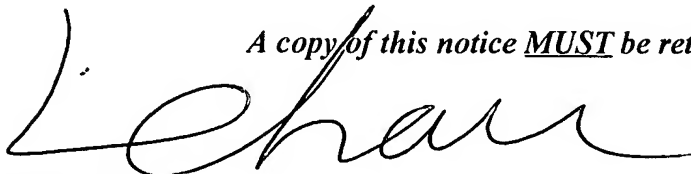
Total additional fee(s) required for this application is **\$148** for a Large Entity

- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$18**
  - **\$18** for **13** total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read "L. Chan", is written over a horizontal line.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY